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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,143	03/03/2006	Jonathan R. Matias	PSG0101PUSA	3137
22045 7590 01/04/2010 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
LEVY, NEIL S				
ART UNIT		PAPER NUMBER		
1615				
MAIL DATE		DELIVERY MODE		
01/04/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10595143	3/3/2006	MATIAS, JONATHAN R.	PSG0101PUSA

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1000 TOWN CENTER  
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SOUTHFIELD, MI 48075

**EXAMINER**

NEIL LEVY

ART UNIT	PAPER
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1615	20091229
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

THE RESPONSE of 12/14/09 WAS NON-RESPONSIVE SEE ATTACHED

12/29/09

/NEIL LEVY/  
Primary Examiner, Art Unit 1615

## NON-RESPONSIVE RESPONSE

The reply filed on 12/14/09 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): species election was not made in accordance with the requirement as set forth in the restriction requirement of 6/23/09 & repeated on 11/13/09. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY NOT BE GRANTED UNDER 37 CFR 1.136(a), AS the statutory period expired 12/23/09.

Applicant's election without traverse of GROUP 1 in the reply filed on 9/23/09 and repeated on 12/14/09 is acknowledged.

HOWEVER, applicant did not elect the species; they are as follows:

a) SPECIES of formula of claim 1; the ULTIMATE COMPOUND OF FORMULA (I)- please provide the structure, as in claim 1, with R, X, R' and n identified as the specific compound species elected, AND

b) SPECIES of carrier; what is the carrier material? Elect one of hallosite, or whatever, as supported in the specification

AND

c) SPECIES of site of application; integument of a plant leaf? A human skin? A tree bark? elect a site of application as supported in the specification. AND

Art Unit: 1615

d) SPECIES of target organism; elect a pest: mosquito, fly or whatever, as supported in the specification. AND

e) SPECIES of host organism; elect a host, fruit tree, corn, cow, human or whatever, as supported in the specification. AND

f) SPECIES of the delivery form; select one of a cosmetic; perfume, cologne, deodorant, anti-perspirant, skin cream, soap, shampoo, hair conditioner, hair rinse, bath oil, talc, sunblock or sunscreen or cleanser, detergent, fabric softener or air freshener or whatever, as supported in the specification

EXAMINER finds no Species A in the claims or specification, if there is one, which is selective for one compound, one host one carrier, one delivery form and one pest, I don't see it. Please point it out, or identify EACH of the species of a),b),c),d), e) & f) to be examined in this case.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A. WAX can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NEIL LEVY/  
Primary Examiner, Art Unit 1615

12/29/09